REMARKS

In response to the Office Action mailed August 20, 2003, Claim 1 has been amended. Claims 1-20 are pending in the present application.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

Cited Art Rejections

The Examiner rejected claims 1, 2, and 5-20 under 35 U.S.C. 103(a) as being unpatentable over Hertel in view of Cotichini et al ("Cotichini"). The Examiner rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Hertel in view of Cotichini and further in view of Isikoff. Applicant respectfully disagrees with the rejections.

With regard to independent claims 1, 6, and 13, the Examiner cites Hertel's method for providing protection against theft and loss of a vehicle as disclosing the recited invention based on Hertel's establishing boundary conditions within which a vehicle is authorized for use, tracking a position of the vehicle with a GPS unit, comparing the position to the boundary conditions to identify violation of the boundary conditions, and performing anti-theft routines when the position has violated the boundary conditions. The Examiner admits that Hertel does not disclose that the method is used in a portable computer system and does not disclose the recited aspect of utilizing a calling function to identify a location of the portable computer system when the position has not violated the boundary conditions. The Examiner then points to Cotichini for these features. Applicant respectfully disagrees.

Applicant respectfully submits that while Cotichini does discuss a portable computer system calling a host through a public switched telephone network to transmit identifying indicia

and location information, there is nothing to teach or suggest that such a call occurs based on a condition that a tracked position has not violated boundary conditions. Cotichini does not utilize boundary conditions at all and thus offers no teaching or suggestion that a tracked position is a determining factor for a call being made. In contrast, Applicant recites the utilization of a calling function to identify a location of the portable computer system when the position has not violated the boundary conditions and thus, the step occurs as part of the boundary check facility, as supported by the specification on page 8, lines 15-18 ("while the boundary check facility is enabled, a call is made ... to a preset phone number ... at preset intervals"). Applicant respectfully submits, therefore, that Cotichini fails to teach or suggest the aspect of utilizing a calling function to identify a location of the portable computer system when the position has not violated the boundary conditions, as recited in claims 1, 6, and 13.

Further, Applicant respectfully submits that Cotichini discloses that the host locates the portable computer system through caller identification (caller ID) (see the Abstract). Applicant respectfully submits that the use of caller ID to locate a system fails to teach or suggest identifying location data based on GPS data from a GPS unit when the position of the system has not violated boundary conditions, as is done in the present invention. Applicant has amended claim 1 to more particularly recite that the location data provided in the step of utilizing a preset calling function at preset intervals to identify a location of the portable computer system is based on GPS data when the position has not violated the boundary conditions, as described in the specification on page 8, lines 18-20. Applicant respectfully submits that no new matter has been added by the amendment nor has the scope of the claim been changed. Applicant also respectfully submits that there is nothing to teach or suggest the utilization of GPS data from a GPS unit for location data in Cotichini. Further, since Cotichini does not utilize boundary

conditions at all, there is nothing to teach or suggest that that GPS data gathered while tracking a portable computer would be utilized during a call that occurs based on a condition that the tracked position has not violated boundary conditions.

With further regard to independent claims 6 and 13 and dependent claim 2, the Examiner contends that Hertel discloses a cellular unit 36 and utilizing cellular calling functionality within a vehicle to report a potential theft of the vehicle when the preset boundary conditions have been violated. Applicant respectfully disagrees. The so-called 'cellular unit 36' is specifically disclosed as a "transmitter 36" which sends data to "either internal or external storage" (col. 4, lines 43-45). Applicant fails to see any teaching or suggestion in Hertel that the transmitter 36 is a cellular unit or that it provides cellular calling functionality. Further, Applicant respectfully submits that the specific teaching of the provision of the data from the transmitter 36 to internal or external storage indicates a simple storage operation that would not require any form of a calling functionality, including a cellular calling functionality. In addition, while Hertel does disclose that the system "would transmit" operation outside of a permitted area "to a central monitoring station" (col. 5, lines 62-66), there is nothing to teach or suggest that the act of transmitting occurs with cellular calling functionality. Without further criticality of teaching from Hertel, Applicant respectfully submits that the mere presence of a transmitter fails to teach or suggest a cellular unit and that there is nothing to teach or suggest utilizing cellular calling functionality within a vehicle to report a potential theft, as contended by the Examiner.

In addition, while the Examiner cites Isikoff for teaching the utilization of a password in an anti-theft routine for a portable computer system, in view of the foregoing, Applicant respectfully submits that even the inclusion of Isikoff with Hertel and Cotichini would not result in Applicant's recited invention, including the utilization of cellular calling functionality at preset

intervals to identify a potential theft when boundary conditions have not been violated that identifies a location of the portable computer system, including identification of a location based on GPS data. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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